



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON, DC 20004-2128

COPY MAILED

SEP 13 2004

In re Application of
Kralik
Application No. 10/617,771
Filed: July 14, 2003
Attorney Docket No. 740123-469

OFFICE OF PETITIONS
ON PETITION

This decision concerns the June 25, 2004 "Response to Notice of Omitted Items in a Nonprovisional Application and Petition." The petition asserts filing with the original application of the allegedly omitted drawings and is being properly treated as a petition under 37 CFR 1.53(e)(2).

The petition is **GRANTED**.

The application was filed on July 14, 2003. As indicated in the June 7, 2004 "Notice of Omitted Items in a Nonprovisional Application" ("6/7/04 Notice"), a filing date had been accorded this application, but Figures 1 and 2 described in the specification appeared to have been omitted from the filed application. The petition then followed.

The petition contends that the allegedly omitted drawings were filed with the other application papers on July 14, 2003. In support, the petition is accompanied by a copy of a postcard receipt, indicating receipt in the USPTO for this application on July 14, 2003 of, *inter alia*, "3 sheets of formal drawings (Figures 1-3)." The petition also encloses a copy of the 3 sheets of drawings purportedly filed on July 14, 2003.

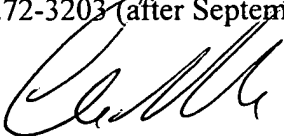
The USPTO file for this application includes only one sheet of drawing containing Figure 3, but not the drawings for Figures 1 and 2. Based on the information contained in counsel's postcard receipt, the Office concludes that drawings for Figures 1 and 2 had been filed on July 14, 2003, but were later misplaced. The petition is thus granted.

The 6/7/04 Notice is hereby vacated.

No petition fee is owed and none was charged to counsel's deposit account.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of July 14, 2003, using the papers filed on that date and supplemented with the 2 sheets of drawings (Figures 1 and 2) submitted with the instant petition; and for indicating in the USPTO record that 3 sheets of drawings (Figures 1-3) were present on filing.

Telephone inquiries should be directed to Petitions Attorney RC Tang at (703) 308-0763 (before September 15, 2004), or to the undersigned at (703) 306-5683 (before September 27, 2004) or (571) 272-3203 (after September 27, 2004).

A handwritten signature in black ink, appearing to read 'C. Brantley', is positioned above the printed name.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions